

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**WILLIAM AND MARY ROE, in their own right:  
and as parents and natural guardians of A. ROE,:  
a minor, et al.**

v.

**CIVIL ACTION NO. 15-901**

**SOUTHEAST DELCO SCHOOL DISTRICT,  
et al.**

**JOHN AND JANE DOES, in their own right :  
and as parents and natural guardians of L. DOE,:  
a minor, et al.**

v.

**CIVIL ACTION NO. 15-3655**

**SOUTHEAST DELCO SCHOOL DISTRICT,  
et al.**

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**PLAINTIFFS ROE'S PROPOSED VERDICT SLIP**

We, the jury, unanimously find the following:

**I. LIABILITY OF SOUTHEAST DELCO SCHOOL DISTRICT – Title IX  
Violation**

1. Has Plaintiff Roe proven that Roe was subjected to sexual harassment in the form of inappropriate touching?

Yes        No       

If you answered “Yes” to Question No. 1, proceed to Question No. 2. If you answered “No” to Question No. 1, then proceed to Question No. 5.

2. Has Plaintiff Roe proven that Michael A.P. Jordan had actual knowledge of facts indicating a risk of substantial danger to her?

Yes        No       

If you answered “Yes” to Question No. 2, proceed to Question No. 3. If you answered “No” to Question No. 2, then proceed to Question No. 5.

3. Has Plaintiff Roe proven that Michael A.P. Jordan was deliberately indifferent to that risk of substantial danger?

Yes  No

If you answered "Yes" to Question No.3, proceed to Question No. 4. If you answered "No" to Question No. 3, then proceed to Question No. 5.

4. Has Plaintiff Roe proven by a preponderance of the evidence that the deliberate indifference of Michael A.P. Jordan was a substantial factor in bringing about her injuries?

Yes  No

Proceed to Question No. 5.

## **II. LIABILITY OF MICHAEL A.P. JORDAN – Constitutional Rights Violation**

5. Has Plaintiff Roe proven that Michael A.P. Jordan used his authority to create an opportunity for Defendant Hochschwender to inappropriately touch Roe which would have otherwise not existed but for his conduct?

Yes  No

If you answered "Yes" to Question No. 5, proceed to Question No. 6. If you answered "No" to Question No. 5, proceed to Question No. 9.

6. Was the alleged inappropriate touching of Roe a reasonably foreseeable harm of Michael A.P. Jordan's conduct?

Yes  No

If you answered "Yes" to Question No. 6, proceed to Question No. 7. If you answered "No" to Question No. 6, proceed to Question No. 9.

7. Has Plaintiff Roe proven that Michael A.P. Jordan acted with deliberate indifference?

Yes  No

If you answered "Yes" to Question No. 7, proceed to Question No. 8. If you answered "No" to Question No. 7, proceed to Question No. 9.

8. Has Plaintiff Roe proven by a preponderance of the evidence that Michael A.P. Jordan's violation of her constitutional rights was a substantial factor in bringing about her injuries?

Yes  No

Proceed to Question No. 9.

### **III. LIABILITY OF PAUL HOCHSCHWENDER**

#### **a. Constitutional Rights Violation – Bodily Integrity**

9. Has Plaintiff Roe proven that Paul Hochschwender used his position to inappropriately touch Roe?

Yes  No

If you answered “Yes” to Question No. 9, proceed to Question No. 10. If you answered “No” to Question No. 9, proceed to Question No. 12.

10. Has Plaintiff Roe proven that Paul Hochschwender acted in a manner that shocks the conscience?

Yes  No

If you answered “Yes” to Question No. 10, proceed to Question No. 11. If you answered “No” to Question No. 10, proceed to Question No. 12.

11. Has Plaintiff Roe proven that Paul Hochschwender's actions were a substantial factor in bringing about her injuries?

Yes  No

Proceed to Question No. 12.

#### **b. BATTERY**

12. Has Plaintiff Roe proven by a preponderance of the evidence that Paul Hochschwender's actions constitute the tort of battery?

Yes  No

If you answered “Yes” to Question No. 12, proceed to Question No. 13. If you answered “No” to Question No. 12, proceed to Question No. 14.

13. Has Plaintiff Roe proven by a preponderance of the evidence that the battery committed by Paul Hochschwender was a substantial factor in bringing about her injuries?

Yes  No

Proceed to Question No. 14.

**c. COMPENSATORY DAMAGES**

14. Answer Question No. 15 only if you answered "Yes" to Question Nos. 4, 8, 11 and/or 13.

15. What is a fair and reasonable amount to compensate Plaintiff Roe for the damages suffered either as a violation of Title IX, her constitutional rights, and/or a battery?

\$ \_\_\_\_\_

DATE: \_\_\_\_\_ FOREPERSON: \_\_\_\_\_